

TAB B

DISCUSSION OF OTHER TEMPORARY PROMOTION SYSTEMS

1. Temporary Promotions in the Military Services: The permanent and temporary promotion policy of the military services, embodied in the Officer Personnel Act of 1947, avoids both the rigidities of the promotion system used by the services prior to World War II (based on vacancies) and the shortcomings of the wide-spread use of temporary promotions during the war. Under the Act, the services are limited as to the total number of Regular Officers that may hold permanent appointments in the various grades.

a. In addition to permanent promotions, temporary promotions may be granted whenever the total authorized strength (Regular and Reserve) for the grades and categories exceeds the number of Regular Officers holding permanent commissions in such grades.

b. Temporary promotions to a grade are effected by the selection of a designated number of Officers from among a larger number having the requisite seniority for consideration, but the time-in-grade requirements for temporary promotions are more liberal than those stipulated for permanent promotions. Temporary promotions are more significant than permanent promotions in the Army and Air Force, since most Regular and Reserve Officers are currently serving in temporary grades.

c. Two principal objectives are sought through temporary promotions in the services, namely:

(1) The services do not have a sufficient number of Regular Officers eligible for permanent promotion to meet the grade requirements of the active military establishment, so that the required numbers in each grade are secured

by the temporary promotion of Regular and Reserve Officers on active duty.

(2) Through temporary promotions, the services are able to advance outstanding Officers for positions of increased leadership and responsibility, since those recommended for promotion, among the Officers eligible for consideration (by reason of seniority), are selected on a "best qualified" basis.

d. Temporary promotions are not temporary in a sense that they are effective for a definite period of limited duration or are used as a probationary period. Unlike the Civil Service, promotions generally are granted to individuals rather than to occupants of positions, and promotions are made on the supposition that the officers are capable of performing a variety of different assignments within their general category at the level of responsibility to which they are promoted. Promotions are temporary from a T/O standpoint in that holders of temporary commissions may be reduced to permanent rank at the "pleasure of the President" when authorized strengths are curtailed.

e. Certain positions within the military establishments carry with them a specific rank so long as an individual occupies that particular position. These can be considered as "spot" positions. The provision in law for such arrangement presumably is based on the theory that the specific job is of such stature and nature that an individual deemed qualified to fill the post should have the additional stature and rank while in the post.

f. In summary, it would appear that the military establishment recognized that it must accept a schedule of the various permanent grades from Congress which would be geared to a smaller permanent military establishment than the then swollen emergency military establishment. Therefore, it sought and received statutory authority for temporary promotions on the theory that if they were limited to ten Generals based on an authorized force of ten divisions, then if the number of divisions were expanded to twenty, they should have authority to

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promote ten more men to temporary grades of General.

2. Temporary Promotions in the Foreign Service: Promotions in the Foreign Service Personnel categories (Foreign Service Officers, Foreign Service Reserve Officers, and Foreign Service Staff Officers) are made annually on the basis of an evaluation of all personnel by Selection Boards and Review Panels without consideration of particular candidates for specific vacancies.

a. Legal authority for authorizing temporary promotions relates only to personnel in the Foreign Service Staff Officer category. At the time of the promulgation of the Foreign Service Act of 1946, it was deemed inappropriate to provide for a temporary promotion system for the career group within the Foreign Service; namely, Foreign Service Officers. At the present time, however, there is some agitation for providing authority for temporary promotion of Foreign Service Officers. It appears that the need is not a present one, but is based on the possibility that in the future, emergency conditions might require a rapidly expanding Foreign Service and temporary promotions should be authorized for all personnel of the Foreign Service, including the career group. This essentially seems to be similar in justification to the military provisions for temporary promotion of Regular Officers.

b. In 1951 a program of temporary promotions was instituted. The period following World War II saw an acceleration of the functional enlargement of the State Department in overseas areas which had started during the war years. Large numbers of positions were established for which the Department needed experts, aviation specialists, welfare officers, and administrative officers in all occupational breakdowns. Large numbers of Foreign Service Staff Officers were called upon to assume the responsibilities of positions graded above their own personal rank. The difficulty was accentuated by delays in approving promotions which are unavoidable and inherent in the operation of the promotion panel system. Confronted

with these inequities, a policy was adopted for making temporary promotions of personnel in field areas whenever such individuals were fully qualified for the positions. Temporary promotions were confined to cases where persons were serving in positions classified at two or more grades above their personal rank, and provision was made for employees to revert to their permanent rank upon their removal from the positions by transfer or other cause.

c. Although the policy was originally designed for Staff Corps personnel in the U. S. Information and Education Service, the temporary promotion policy was applied to other field missions, notably HICOG. The policy has now been cancelled and no new temporary promotions are being made. Principally, two reasons existed for cancelling the program. These were:

(1) The belief that temporary promotions contradict the principles of the regular career program. The Foreign Service procedures are intended to insure that promotions should be made on demonstrated merit and the availability of openings on a world-wide basis, rather than on a fortuitous coincidence of assignment and lack of other more qualified candidates.

(2) The decision that circumstances of rapidly expanding programs and resulting inequities no longer existed, and that the regular promotion program would be equal to the job of correcting any remaining inequities.

3. Temporary Promotions in the Civil Service: None of the permanent laws relating to civilian employment (with exception of Veterans, which will be discussed later) provides for legislative recognition, or authority, for a system of temporary promotions. Several years ago, the so-called Whitten rider directed that all promotions in the competitive Civil Service be temporary. The administrative havoc created by that rider is well known. It is also true that what amounts to a temporary promotion can be effected by the simple device of promoting a man to a higher rating while he is temporarily occupying a higher rated position.

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This frequently occurs where an individual is replacing another man who is away either on extended leave of absence or extended temporary duty. In such situations, of course, the individual is advised that the promotion is temporary, and when the occupant of the position returns the temporary occupant is relieved of his duties on that job and returns to his former job. This automatically results in a personnel action to reduce him to the rating of the former job.

a. With respect to Veterans, we have a different situation. At the present time, over 60% of civilian employees in the United States are Veterans and, therefore, the exception pertaining to Veterans is really the principle policy rather than a true exception. The specific provisions relating to temporary promotion of Veterans are as follow:

(1) Temporary promotions may be made by Federal Agencies for brief periods of time during emergencies or extended leave of absence. Unless all of the following circumstances obtain, however, any subsequent adverse action against a Veteran holding a temporary promotion, such as discharge or demotion, must comply with certain procedural steps and is appealable to the Civil Service Commission:

(a) The temporary promotion may not exceed 90 days.

(b) The employee is apprised, prior to the promotion, of the temporary character of the position, and that upon expiration of the temporary period he will be returned to his former position.

(c) The employee clearly understands and consents to the arrangement.

The technical effect of these provisions is that if a Veteran retains the temporary promotion for more than 90 days, he cannot be removed from that position by the simple expedient of the return of the prior occupant. At that time reduction-in-force procedures, which are also provided for in the Veterans Preference Act, would have to be applied, and whoever then was entitled to the position under

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those procedures would retain the promotion.

b. It can be said that there is no formally recognized temporary promotion system within the Civil Service. The special provisions of law designed to protect Veterans and giving them preference as a matter of national policy substantially prevents an informal program of temporary promotions within the executive departments and agencies.